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The Honorable Robert S. Lasnik

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AT SEATTLE
CLERK U.S. DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
BY DEPUTY

CV 02-01635 #00000146

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON

JOSEPH LUNA and JEANIE LUNA, husband
and wife; CARL BENNETT and BRENDA
BENNETT, husband and wife; DAVID J.
MURPHY and GENEVEVE L MURPHY,
husband and wife; NEIL NELSON and ELSIE L
NELSON, husband and wife; BRYAN
THOMSON and JEANNETTE THOMSON,
husband and wife, and DANIEL JAMES and
MAZIE JAMES, husband and wife, on behalf of
themselves and all others similarly situated,

Plaintiffs,

vs

HOUSEHOLD FINANCE CORPORATION, III,
a foreign corporation doing business in the State
of Washington; and HOUSEHOLD REALTY
CORPORATION, a foreign corporation doing
business in the State of Washington,
BENEFICIAL MORTGAGE CORPORATION,
a Delaware corporation, and other related entities
and subsidiaries,

Defendants

No. C02-1635

PLAINTIFFS' MOTION FOR
PRELIMINARY INJUNCTION

NOTE ON MOTION
CALENDAR:
DECEMBER 20, 2002

ORAL ARGUMENT
REQUESTED

9\Plaintiffs' Motion for Preliminary Injunction -1-
C02-1635

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December 4, 2002

DAVIS, ARNEIL LAW FIRM, LLP
617 WASHINGTON STREET
P O BOX 2136
WENATCHEE, WASHINGTON 98807
(509) 662-3551

1 Plaintiffs, by and through their attorney of record, Robert L. Parlette of Davis,
2 Arneil Law Firm, LLP, move the court for a preliminary injunction pursuant to FRCP 65,
3 enjoining Defendants Household Finance Corporation III, Household Realty Corporation and
4 Beneficial Mortgage Corporation from the following practices until judgment has been
5 rendered by this court on the merits of plaintiffs' causes of action:
6

- 7 1 Initiating a foreclosure action against any Washington
8 borrower who financed a first or second home loan with
9 defendants between January 1, 1999 and present;
- 10 2 Proceeding with a foreclosure action that has been
11 initiated by defendants against any Washington borrower
12 who financed a first or second home loan with defendants
13 between January 1, 1999 and present;
- 14 3 Threatening any Washington borrower who financed a
15 first or second home loan with defendants between
16 January 1, 1999 and present with a foreclosure action

17 In support of this motion, plaintiffs submit the following:

- 18 1 Memorandum in Support of Plaintiffs' Motion for Preliminary Injunction
- 19 2 Declaration of Carol and Robert Walkup in Support of Plaintiffs' Motion
20 for Preliminary Injunction
- 21 3 Declaration of Thomas and Janet Foley in Support of Plaintiffs' Motion
22 for Preliminary Injunction
- 23 4 Declaration of Bert Henthorn in Support of Plaintiffs' Motion for
24 Preliminary Injunction
- 25 5 Declaration of Robert L. Parlette in Support of Plaintiffs' Motion for
26 Preliminary Injunction

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6. 6/22/02 Declaration of Tammy and Mark Houtchens
(originally filed in July, 2002)

7. 7/2/02 Declaration of Emma Vaughn
(originally filed in July, 2002)

8. 7/2/02 Declaration of Daniel and Michelle Langstaff
(originally filed in July, 2002)

9. 7/17/02 Declaration of Joanne Miller
(originally filed in July, 2002)

Carol Walkup is scheduled to lose her home on January 31, 2003. Plaintiffs respectfully request the court consider this date in scheduling oral argument, or deciding, plaintiffs' motion for preliminary injunction.

Wherefore, plaintiffs pray that the court issue a preliminary injunction prohibiting Defendants Household Finance Corporation III, Household Realty Corporation and Beneficial Mortgage Corporation from foreclosing on residential homes in the State of Washington pending judgment by the court on the merits of plaintiffs' causes of action.

DATED this 4th day of December, 2002.

DAVIS, ARNEIL LAW FIRM, LLP

By 

Robert L. Parlette, WSBA No. 4752
Attorneys for Plaintiffs

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Certificate of Service

I declare under penalty of perjury under the laws of the United States of America that I am of legal age and am not a party or to my knowledge related to a party to this action, and that on the 4th day of December, 2002 I caused a true copy of this document to be served on the following counsel for defendants

<input type="checkbox"/> First Class U S. Mail	Daniel J Dunne, Jr.
<input type="checkbox"/> Certified Mail, Return Receipt Requested	Heller Ehrman
<input type="checkbox"/> Facsimile (206) 447-0849	White & McAuliffe, LLP
<input type="checkbox"/> Hand Delivery	701 Fifth Avenue, Suite 6100
<input checked="" type="checkbox"/> Overnight Delivery	Seattle WA 98104-7098

Executed at Wenatchee, Washington this 4th day of December, 2002

Andrea Robertson

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